

September 18, 2020

Joel Schneider, USMJ
United States District Court
District of New Jersey
1 John F. Gerry Plaza
4th and Cooper Streets
Camden, NJ 08101

RE: Status Conference on September 25, 2020 In re: McBride v. Washington Township 1:19-cv-17196

Dear Judge Schneider,

Thank you for Your Honor's recent order setting a status conference for September 25, 2020 at 10:00 AM by telephone (ECF Document 186).

As noted in my September 15, 2020 letter to the Court (ECF document 185), an agenda item for this conference will be the settlement between Plaintiff, Defendant Carmen Saginario, and Defendant Capehart and Scatchard. Parties have agreed to a mutual general release and monetary consideration but remain stalled over a condition that the Defendants be permanently barred from representing a party adverse to the Plaintiff in the future. Plaintiff simply seeks the finality such a condition will provide and was based on my interpretation of New Jersey Rules of Professional Conduct 1.7(a)(2) and 1.8 (h).

Plaintiff is a degreed scientist. My training and experience is such that agenda items are sent to the meeting organizer prior to a meeting. Coming from this perspective, I humbly and respectfully, would like to bring to the Court's attention herein two additional agenda items for consideration as agenda items for the September 25 status conference and concerning Defendant Washington Township.

1. Plaintiff's denied request for continued remote attendance of municipal council meetings

- a. Plaintiff submitted a request for a reasonable accommodation to attend council meetings via the previously used Zoom platform. Plaintiff cited his own disability.
 - b. Defendant Washington Township impermissibly denied the request because Plaintiff didn't cite what his disability is.
 - c. Setting aside the disability, Plaintiff's elderly father suffers from medical conditions that increase the risk of complications should he catch the novel corona virus. Compliance with social distancing and use of masks is absolutely abysmal throughout Washington Township which makes Defendant's denial simply reckless and deprives similarly situated citizens at high risk of COVID-19 complications of their civil rights to public participation.
 - d. Plaintiff reserves the right to pursue a separate cause of action for denial of a reasonable accommodation
2. Defendant is not deliberately denying requests for government records under the New Jersey Open Public Records Act via non-response after the statutory seven business days. Given that Plaintiff has made record destruction a central issue of this case and that it has been a central issue in at least two other cases, these denials are certainly dubious.
 - a. Washington Township is at fault here because, unlike other municipalities, they have not given the records custodian automated processing software for records requests
 - b. The failure to provide the records custodian with the tools she needs to do her job and comply with New Jersey's Open Public Records Act (OPRA) is a deliberate act to thwart to transparency the legislature intended when it created OPRA. This is forcing this poor public servant (and my next door neighbor) to resort to using a paper calendar to keep track of literally 1,000 records requests annually. By virtue of the location of the custodian's residence and the times she respond to my electronic mail, she is often

working well into the evening and unnecessarily because of the lack of tools she has to do her job properly.

c. This instant case is the third case where Defendant Washington Township has destroyed records.

i. See Moriarty v. Washington Township 1:14-cv-02492

ii. See Paul D. Martin v. Washington Township (Superior Court of New Jersey; James Birchmeier, Counsel for Washington Township)

I would ask that the Court take these two discrete agenda items under advisement and provide direction on September 25, if these agenda items are appropriate for the status conference or that they should be heard on the issue of motion practice

Very truly yours,

Brian McBride

Plaintiff pro se

BRIAN MCBRIDE <bf.mcbride@comcast.net>

9/18/2020 7:56 AM

Internal Affairs Complaint Washington Township

To Paul Colangelo <pcolangelo@co.gloucester.nj.us> Copy
jbirchmeier@birchmeierlaw.com <jbirchmeier@birchmeierlaw.com>

Dear Mr. Colangelo,

I have made two separate OPRA requests to Washington Township for police training records. I am looking for records of documents used to train police officers on updates in New Jersey Criminal Law. As you are aware, residents of Washington Township absolutely love to charge people with criminal harassment for little more than the charged party's exercise of free speech. As you are also aware, the New Jersey Supreme Court handed down a decision in State v. Burkert that says such conduct is an unlawful use of the harassment statute. Yet, Washington Township will not produce records that it has trained its officers on this sentinel case. A video recorded interview between myself and Officer Benjamin Swan suggests Washington Township's command staff has failed to train its officers on this important case.

I am asking your office to help me understand why the police command staff will not respond to this legitimate OPRA request.

Respectfully yours,

Brian McBride

BRIAN MCBRIDE <bf.mcbride@comcast.net>

9/18/2020 7:58 AM

Fwd: OPRA request

To jbirschmeier@birschmeierlaw.com <jbirschmeier@birschmeierlaw.com>

----- Original Message -----

From: BRIAN MCBRIDE <bf.mcbride@comcast.net>

To: cciallella@twp.washington.nj.us

Date: 09/18/2020 7:58 AM

Subject: OPRA request

Dear Ms. Ciallella,

I have reviewed my neighbor's OPRA request.

I am also looking for specific electronic mail. I submit here two OPRA requests that are cross submitted under the Common law Right of access.

I seek any electronic mail sent or received by the following Washington Township employees: Jason Gonter, Joann Gatinelli, their confidential aides and secretaries, Joseph Micucci and employees reporting to him, Pat Gurcsik, Chris Pelosi, or Ken Kennedy from August 3, 2020 to the present. The keyword I am looking for is "shovel." It may appear in the subject line or body of the message.

I seek any electronic mail sent or received by Chief Pat Gurcsik or any member of his police command staff from August 3, 2020 to the present. The keyword I am looking for is "Burkert" It may appear in the subject line or body of the message. This request does not include any emails where I am the sender.

I seek a copy of the policy of the Township of Washington for pre-employment drug testing and all editions thereof from January 1, 2016 to the present.

I seek a copy of the invoices for all drug tests performed for newly hired employees in the Township of Washington October 2016- present. Names of employees should be redacted.

I seek a copy of records identifying each new employee hired since October 2016. I seek only records which identify the name of the employee, position, and start date.

Same may be sent to me by electronic mail to this address

Very truly yours,

Dr. Brian McBride
86 Goodwin Parkway
Sewell, NJ 08080

Sent from Xfinity Connect Application

BRIAN MCBRIDE <bf.mcbride@comcast.net>

9/18/2020 7:50 AM

Fwd: Overdue OPRA request

To jbirchmeier@birchmeierlaw.com <jbirchmeier@birchmeierlaw.com>

----- Original Message -----

From: BRIAN MCBRIDE <bf.mcbride@comcast.net>

To: cciallella@twp.washington.nj.us, cpelosi@pd.washington.nj.us, jbirchmeier@birchmeierlaw.com

Date: 09/18/2020 7:50 AM

Subject: Overdue OPRA request

Dear Ms. Ciallella,

I previously submitted a request for all training materials created by Washington Township and/or its thin-skinned Police Department as to State v. William Burkert. In brief, State v. Burkert shows that the New Jersey Harassment Statue can not be used to press charges for conduct that causes embarrassment or humiliated but is reserved for conduct which places a victim in fear of his/her life or safety. Accordingly, the example of protected content depicting a public figure (attached) is not actionable under New Jersey Criminal Code.

I am asking for a deadline as to when I can expect a response that shows the officers have been so trained.

Regards,

Brian McBride

Sent from Xfinity Connect Application

- IMG_20200914_142703.jpg (150 KB)

BRIAN MCBRIDE <bf.mcbride@comcast.net>

9/16/2020 6:39 PM

Fwd: Request for reasonable accommodation as to council meetings

To jbirchmeier@birchmeierlaw.com

Sent from Xfinity Connect Application

-----Original Message-----

From: bf.mcbride@comcast.net

To: cciallella@twp.washington.nj.us, bmoore@twp.washington.nj.us, jperry@twp.washington.nj.us, mayorgattinelli@twp.washington.nj.us

Sent: 2020-06-30 12:35:05 PM

Subject: Request for reasonable accommodation as to council meetings

Please review the attached and respond before the next regularly scheduled meeting of the governing body.

-
- June 30 WT Reasonable Accomodation.pdf (65 KB)

BRIAN MCBRIDE <bf.mcbride@comcast.net>

9/16/2020 6:37 PM

Fwd: OPRA Common Law Access Request

To jbirchmeier@birchmeierlaw.com

Sent from Xfinity Connect Application

-----Original Message-----

From: bf.mcbride@comcast.net

To: cciallella@twp.washington.nj.us

Sent: 2020-06-24 3:28:42 PM

Subject: OPRA Common Law Access Request

Dear Ms. Ciallella,

Would you please provide me with all invoices for the painting and wrapping of vehicles in the custody and control of the Washington Township Police Department from 2017-present?

I would also like the records of any motor vehicle received from a military surplus program.

Invoices are supposed to be immediately produced.

Thanks,

Brian McBride

Sent from Xfinity Connect Application

BRIAN MCBRIDE <bf.mcbride@comcast.net>

9/16/2020 6:35 PM

Fwd: OPRA request

To jbirchmeier@birchmeierlaw.com

Sent from Xfinity Connect Application

-----Original Message-----

From: bf.mcbride@comcast.net
To: cciallella@twp.washington.nj.us
Sent: 2020-06-16 3:11:44 PM
Subject: OPRA request

Dear Chrissy,

Would you please provide me under the Open Public Records Act and/or Common Law Right of Access copies any receipts for money received from residents for payment of fines for violations issued by the Code Enforcement Official or Construction Officer from January 1, 2017-present.

Same may be delivered to this email address.

Respectfully yours,

Brian McBride
86 Goodwin Parkway
Sewell, NJ 08080

(856) 352-2995.

PS: Carmen Saginario has butchered your surname. He said it seven different ways on today's hearing.

Sent from Xfinity Connect Application

BRIAN MCBRIDE <bf.mcbride@comcast.net>

9/16/2020 6:35 PM

Fwd: OPRA Request LESO 1033 Program

To jbirchmeier@birchmeierlaw.com

Sent from Xfinity Connect Application

-----Original Message-----

From: bf.mcbride@comcast.net
To: cciallella@twp.washington.nj.us, bmoore@twp.washington.nj.us
Sent: 2020-07-02 7:15:54 AM
Subject: OPRA Request LESO 1033 Program

Dear Ms. Ciallella,

The Federal Defense Logistics Agency has made publicly available what supplies were given to the Washington Township Police Department. The records show ten sniper scopes and several utility trucks.

Pursuant to the Open Public Records Act and Common Law Right of Access, I respectfully request a copy of the request made by the Washington Township Police Department for such equipment.

Same may be sent electronically to this address.

Regards,

Brian McBride

Sent from Xfinity Connect Application